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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Case No. 1:19-cr-227

v. Plaintiff,

1:23-cr-37

(LJV)

PETER GERACE, JR.,

December 6, 2024

Defendant.

TRANSCRIPT EXCERPT - EXAMINATION OF R.A. (PW 6)
BEFORE THE HONORABLE LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE

APPEARANCES: TRINI E. ROSS, UNITED STATES ATTORNEY
BY: JOSEPH M. TRIPPI, ESQ.

NICHOLAS T. COOPER, ESQ.

Assistant United States Attorneys
Federal Centre, 138 Delaware Avenue
Buffalo, New York 14202
For the Plaintiff

THE FOTI LAW FIRM, P.C.

BY: MARK ANDREW FOTI, ESQ.

16 West Main Street, Suite 100
Rochester, New York 14614

And

SOEHNLEIN LAW

BY: ERIC MICHAEL SOEHNLEIN, ESQ.

350 Main Street, Suite 2100
Buffalo, New York 14202
For the Defendant

PRESENT: KAREN A. CHAMPOUX, USA PARALEGAL
BRIAN A. BURNS, FBI SPECIAL AGENT
MARILYN K. HALLIDAY, HSI SPECIAL AGENT
OLIVIA A. PROIA, J.D., PARALEGAL

LAW CLERK: REBECCA FABIAN IZZO, ESQ.

COURT CLERK: COLLEEN M. DEMMA

REPORTER: ANN MEISSNER SAWYER, FCRR, RPR, CRR
Robert H. Jackson Courthouse
2 Niagara Square Buffalo, New York 14202
Ann_Sawyer@nywd.uscourts.gov

1 (Excerpt commenced at 2:41 p.m.)

2 (Jury is present.)

3 **THE COURT:** The government can call its next witness.

4 **MR. TRIPI:** One moment, please, Judge.

5 We'll call R.A. next.

6

7 **R. A. (PW 6),** having been duly called and sworn, testified as

8 follows:

9

10 **DIRECT EXAMINATION BY MR. TRIPI:**

11 Q. Good afternoon, Ms. R.A.

12 A. Good afternoon.

13 Q. I don't think we've ever formally met. I said hello to

14 you in the hallway a few times, but you've kind of dealt with

15 some other prosecutors usually when you've had court matters;

16 is that right?

17 A. Yes.

18 Q. All right. If you don't understand anything that I'm

19 asking you, just let me know and I'll try to do better, okay?

20 A. Okay.

21 Q. How old are you, ma'am? Let's start with an easy

22 question.

23 A. 42.

24 Q. Sorry to have to ask. Where were you born and raised?

25 A. Pendleton, New York.

02:42PM 1 Q. Is that Niagara County?

02:42PM 2 A. Yes, it is.

02:42PM 3 Q. And can you describe your educational background for the

02:43PM 4 jury?

02:43PM 5 A. Yes. I have a degree in behavioral science from

02:43PM 6 University of Buffalo. And I'm currently studying for my

02:43PM 7 master's degree in clinical mental health.

02:43PM 8 Q. When did you get the behavioral science degree from U.B.?

02:43PM 9 A. 2004 -- sorry, 2024, May.

02:43PM 10 Q. Congratulations.

02:43PM 11 A. Thank you.

02:43PM 12 Q. Before that, as I understand it, you have another degree

02:43PM 13 from Buff State?

02:43PM 14 A. Yes, social work.

02:43PM 15 Q. When did you get that?

02:43PM 16 A. 2014, I believe.

02:43PM 17 Q. Okay. And you're currently studying for your master's?

02:43PM 18 A. Yes, I am. I'm in second year.

02:43PM 19 Q. Is that in U.B. as well?

02:43PM 20 A. No, that's at SUNY Fredonia.

02:43PM 21 Q. And you might have said it, but I missed it. What's that

02:43PM 22 area in?

02:43PM 23 A. Clinical mental health counseling.

02:43PM 24 Q. When do you expect to complete that program?

02:43PM 25 A. Probably 2027.

02:44PM 1 Q. Okay.

02:44PM 2 A. Summer.

02:44PM 3 Q. Gotcha. All right. Are you currently employed?

02:44PM 4 A. No, I'm a homemaker actually right now and a student.

02:44PM 5 Q. Previously you've been employed though, right?

02:44PM 6 A. Yes.

02:44PM 7 Q. Before you maybe started getting the doctorate, is it?

02:44PM 8 A. Yes.

02:44PM 9 Q. What were you doing?

02:44PM 10 A. I was an -- I'm a chemical dependency counselor. I'm a

02:44PM 11 CASAC in New York State.

02:44PM 12 Q. I missed that second part.

02:44PM 13 A. I have my CASAC in New York State.

02:44PM 14 Q. What is that?

02:44PM 15 A. Credentialled drug and alcohol counselor.

02:44PM 16 Q. Okay. How long were you a chemical dependency counselor?

02:44PM 17 A. Four years.

02:44PM 18 Q. Okay. All right. As I understand it, and you correct me

02:44PM 19 if I'm wrong, this is an area you became interested in after

02:44PM 20 some of your own life experiences; is that fair?

02:44PM 21 A. Absolutely.

02:45PM 22 Q. So, I hate to do it, but we're going to go back in

02:45PM 23 time --

02:45PM 24 A. Okay.

02:45PM 25 Q. -- to that, okay?

02:45PM 1 A. Sure.

02:45PM 2 Q. In the early 2000s of your life, were you involved in a

02:45PM 3 different lifestyle?

02:45PM 4 A. Absolutely, yes.

02:45PM 5 Q. Can you describe just what you were doing for work and

02:45PM 6 that lifestyle in the early yes 2000s?

02:45PM 7 A. Early 2000s, probably between 2001 and 2003, early 2000s,

02:45PM 8 I'm not sure exactly, it's a long time ago --

02:45PM 9 Q. Right.

02:45PM 10 A. -- I was dancing. I was an exotic dancer.

02:45PM 11 Q. And was your -- was your name Diamond?

02:45PM 12 A. Yes.

02:45PM 13 Q. And -- and were you dancing at that time, 2001 to 2003,

02:45PM 14 at a specific club, or did you travel around?

02:45PM 15 A. I worked at one specific club, like, my home club. But I

02:45PM 16 did travel around.

02:45PM 17 Q. And which was your home or main club where you danced?

02:46PM 18 A. Mademoiselle's.

02:46PM 19 Q. And was that located on Aero Drive?

02:46PM 20 A. Yes, it was.

02:46PM 21 Q. 777 Aero Drive?

02:46PM 22 A. Um-hum.

02:46PM 23 Q. And explain for the jury, just so they have some

02:46PM 24 understanding of traveling around, what does that entail? Is

02:46PM 25 that --

02:46PM 1 A. Like, you would dance at one club, and then if you wanted
02:46PM 2 to make more money, or if there was a special event at
02:46PM 3 another club, you would go to that club.

02:46PM 4 Q. Okay. Now, I'm going to bounce around a little bit, and
02:46PM 5 I'm not going to try to confuse you with any timelines or
02:46PM 6 anything like that, but --

02:46PM 7 A. I'm never good with dates, so --

02:46PM 8 Q. -- but I'm going bounce around just a little bit. All
02:46PM 9 right? So, at some point in or about 2005, did you have some
02:46PM 10 type of relationship with a guy named Craig Border?

02:46PM 11 A. Yes.

02:46PM 12 Q. Is that somebody that you met where you lived at the
02:46PM 13 Sidway Building on Main Street?

02:46PM 14 A. Yes.

02:46PM 15 Q. And that's in Buffalo, New York, for those --

02:46PM 16 A. Right.

02:46PM 17 Q. -- who may not know?

02:46PM 18 A. Yes.

02:46PM 19 Q. At that time, you were single, right?

02:47PM 20 A. Yes.

02:47PM 21 Q. You were not married?

02:47PM 22 A. Nope.

02:47PM 23 Q. You were working in the clubs though?

02:47PM 24 A. Yes.

02:47PM 25 Q. Okay. At that point in your time meeting Mr. Border, did

02:47PM 1 learn or did you understand him to be a marijuana dealer?

02:47PM 2 A. Yes.

02:47PM 3 Q. In that time of your life, were you also involved in sort
02:47PM 4 of use of controlled substances?

02:47PM 5 A. Yes.

02:47PM 6 Q. At that point in your life, what type of controlled
02:47PM 7 substances did you use?

02:47PM 8 A. Alcohol, marijuana, cocaine.

02:47PM 9 Q. Okay. What time -- I'm timestamping it around when
02:47PM 10 you're seeing Mr. Border, okay?

02:47PM 11 A. Okay.

02:47PM 12 Q. What substances were you using most frequently at that
02:47PM 13 point?

02:47PM 14 A. Probably alcohol and cocaine at that time. But it's hard
02:47PM 15 to -- I don't know, mostly alcohol, cocaine.

02:47PM 16 Q. Okay.

02:47PM 17 A. Yeah.

02:47PM 18 Q. What was the nature of your cocaine use like? And what
02:48PM 19 I'm asking is, was it recreational at that point? Or was it
02:48PM 20 heavy, like, addiction?

02:48PM 21 A. I don't know. I mean, addiction is different for
02:48PM 22 everyone. At this point, you know, I was -- you know, I was
02:48PM 23 younger, so I could withstand using frequently enough.

02:48PM 24 As I got older, it became more difficult to sustain my
02:48PM 25 addiction.

02:48PM 1 Q. Okay. Getting back to Mr. Border briefly in 2005, you're
02:48PM 2 not married at that point, you're seeing him. Did there come
02:48PM 3 a point in time where you took some photos in sort of
02:48PM 4 lingerie, like, Playboy Bunny photos?

02:48PM 5 A. Yes.

02:48PM 6 Q. Did you give those photos to him? Was it around a
02:48PM 7 birthday or something?

02:48PM 8 A. I think it was a birthday, or he took pictures.

02:48PM 9 Q. Okay.

02:48PM 10 A. Not really sure.

02:48PM 11 Q. As you understood it, those were pictures he had, right?

02:48PM 12 A. Yes.

02:48PM 13 Q. Who was your next boyfriend or relationship after
02:49PM 14 Mr. Border?

02:49PM 15 A. Peter Gerace.

02:49PM 16 Q. Were they sort of on the heels of one another? Like,
02:49PM 17 ending with Border, and then starting with Mr. Gerace?

02:49PM 18 A. Yes.

02:49PM 19 Q. Okay. How did you meet Mr. Gerace?

02:49PM 20 A. I originally had met him at his family's restaurant,
02:49PM 21 Pietro's. And then I saw him at Mademoiselle's.

02:49PM 22 Q. And would a time estimate for when you first met him at
02:49PM 23 Pietro's, would a time estimate be around 2004? Like, a
02:49PM 24 little bit before this Border relationship, you had met him
02:49PM 25 previously?

02:49PM 1 A. Yes.

02:49PM 2 Q. And then in the 2005 time period, is that when you see
02:50PM 3 him at Mademoiselle's roughly?

02:50PM 4 A. Around that time.

02:50PM 5 Q. Okay. In 2005, did you -- when you started seeing
02:50PM 6 Mr. Gerace as opposed to Craig Border, how did that -- how
02:50PM 7 did that transpire?

02:50PM 8 A. I just stopped seeing Craig because I met Peter. And I
02:50PM 9 was just basically dating Craig, it was nothing serious.

02:50PM 10 Q. Right.

02:50PM 11 A. And I wanted something serious with Peter.

02:50PM 12 Q. Did you -- did you leave your apartment at the Sidway
02:50PM 13 Building and move in with Peter?

02:50PM 14 A. I did.

02:50PM 15 Q. Where did you move into?

02:50PM 16 A. Windsong.

02:50PM 17 Q. Is that an apartment complex or a -- what is that?

02:50PM 18 A. It's like a townhouse/apartment complex type of thing.

02:50PM 19 Q. And where is that located?

02:50PM 20 A. Off of Transit, so East Amherst area.

02:50PM 21 Q. Okay.

02:50PM 22 A. Williamsville.

02:50PM 23 Q. When you moved in with Peter, did you relinquish your
02:51PM 24 apartment at the Sidway Building?

02:51PM 25 A. I did.

02:51PM 1 Q. After you started seeing Peter and moved in with him, did
02:51PM 2 there come a time at SoHo downtown here where you met a
02:51PM 3 friend of his named Joe Bongiovanni?

02:51PM 4 A. Yes.

02:51PM 5 Q. At that time, when you met Mr. Bongiovanni socially
02:51PM 6 through the defendant, did you know what Mr. Bongiovanni did
02:51PM 7 for a living?

02:51PM 8 A. No.

02:51PM 9 Q. Did there come a time when, through the defendant while
02:51PM 10 you were dating the defendant, that you learned what
02:52PM 11 Mr. Bongiovanni did for a living?

02:52PM 12 A. Yes.

02:52PM 13 Q. Can you explain that situation for the jury, please?

02:52PM 14 A. I guess maybe he -- Joe had seen a picture of me in
02:52PM 15 Craig's house. And I think that was around the time that he
02:52PM 16 was getting raided or something.

02:52PM 17 **MR. SOHNLEIN:** Objection, Your Honor. Can we
02:52PM 18 approach on this issue, please?

02:52PM 19 **THE COURT:** Sure.

02:52PM 20 **MR. SOHNLEIN:** Thank you.

02:52PM 21 (Sidebar discussion held on the record.)

02:52PM 22 **MR. SOHNLEIN:** I didn't realize that that was going
02:52PM 23 to be her response to that question, I thought that was going
02:52PM 24 to be another question. But our problem is it's hearsay
02:52PM 25 within hearsay within hearsay. Because Border testified that

02:52PM 1 he doesn't recall anybody that's at his house, he doesn't
02:52PM 2 recall who takes the photo, he doesn't recall telling --

02:52PM 3 **THE COURT:** She says that Peter told her that
02:52PM 4 Bongiovanni told him that --

02:52PM 5 (Undecipherable.)

02:52PM 6 **MR. SOEHNLEIN:** Right, but how do we know --

02:53PM 7 **MR. COOPER:** She can't hear you, Judge.

02:53PM 8 **THE COURT:** She says that Peter told her that
02:53PM 9 Bongiovanni told him he saw the photo. They're both
02:53PM 10 coconspirators, and --

02:53PM 11 **MR. TRIPI:** Statement of a party opponent.

02:53PM 12 **MR. SOEHNLEIN:** But how do we know what Bongiovanni
02:53PM 13 told Peter is accurate?

02:53PM 14 **MR. TRIPI:** Doesn't matter. It's a statement of
02:53PM 15 party opponent. You can argue whatever you want later.

02:53PM 16 **THE COURT:** Bongiovanni told Peter --

02:53PM 17 **MR. TRIPI:** What Peter says comes in.

02:53PM 18 **THE COURT:** -- we don't, but each hearsay within
02:53PM 19 hearsay is admissible, each of the hearsay branches has an
02:53PM 20 exception. Here, we know that what Peter said to her is
02:53PM 21 admissible because he's the defendant. And what Bongiovanni
02:53PM 22 says to Peter is admissible because of the coconspirator
02:53PM 23 exception.

02:53PM 24 **MR. SOEHNLEIN:** Yeah.

02:53PM 25 **THE COURT:** So I don't see why --

02:53PM 1 **MR. FOTI:** I think we expected it was gonna come in a
02:53PM 2 little differently than the way it came in. I understand the
02:53PM 3 Court's point, is that she's saying that Bongiovanni --

02:53PM 4 **THE COURT:** If you want to argue, I'm willing to
02:54PM 5 listen. If you think I'm wrong --

02:54PM 6 **MR. FOTI:** No, no, no. The way it came in, we tend
02:54PM 7 to agree that it's -- there's -- if she's saying that
02:54PM 8 Bongiovanni said he saw the pictures as opposed to just
02:54PM 9 generally saying there were pictures recovered, I get why it
02:54PM 10 doesn't necessarily --

02:54PM 11 **THE COURT:** Oh, I see what you're saying. You're
02:54PM 12 saying that there were pictures -- so somebody may have said
02:54PM 13 to Bongiovanni --

02:54PM 14 **MR. SOEHNLEIN:** Yeah. And I think that her prior
02:54PM 15 statements were there were pictures recovered, but here today
02:54PM 16 she's testified a little differently.

02:54PM 17 **MR. FOTI:** I don't know if she testified --

02:54PM 18 **THE COURT:** Stop.

02:54PM 19 And, Mr. Tripi, you may be -- you may need to lay
02:54PM 20 more of a foundation, too. I think she certainly can testify
02:54PM 21 that Bongiovanni says I saw the photos and, you know, at the
02:54PM 22 search and tells Gerace that, and Gerace tells her, that
02:54PM 23 certainly come in.

02:54PM 24 If somebody else tells Bongiovanni, maybe not.

02:54PM 25 **MR. SOEHNLEIN:** Yeah. My recollection is at the last

02:54PM 1 trial it was different, the pictures were recovered.

02:55PM 2 **MR. TRIPI:** There's more of a discussion I'm going to
02:55PM 3 draw out.

02:55PM 4 **THE COURT:** That Joe had -- yeah, Joe had seen a
02:55PM 5 picture in Craig's house. That comes in.

02:55PM 6 Okay? So the objection is overruled. I'll be
02:55PM 7 attentive to what you're talking about, Mr. Soehnlein.

02:55PM 8 **MR. SOEHNLEIN:** Thank you very much.

02:55PM 9 (End of sidebar discussion.)

02:55PM 10 **THE COURT:** Ma'am, could you speak right into the
02:55PM 11 microphone?

02:55PM 12 **THE WITNESS:** Sure.

02:55PM 13 **THE COURT:** Some of the jurors are having a hard time
02:55PM 14 hearing you.

02:55PM 15 **THE WITNESS:** Oh, sorry, guys. All right.

02:55PM 16 **THE COURT:** So the objection is overruled.

02:55PM 17 Go ahead, Mr. Tripi.

02:55PM 18 **MR. TRIPI:** Yes, Your Honor.

02:55PM 19 **BY MR. TRIPI:**

02:55PM 20 Q. Bear with me, I lost my place.

02:55PM 21 A. Okay.

02:56PM 22 Q. I want to set this discussion that you had with Peter up
02:56PM 23 a little bit more.

02:56PM 24 In the context of this discussion that you had with Peter
02:56PM 25 about what Joe said, and -- to him about the pictures in

02:56PM 1 Craig's apartment, were you having sort of an argument or
02:56PM 2 disagreement with Mr. Gerace at the time?

02:56PM 3 A. I'm not really sure if it was a disagreement or an
02:56PM 4 argument necessarily. Maybe it was us bickering back and
02:56PM 5 forth or something.

02:56PM 6 Q. Yeah. That's all I'm trying to drive at.

02:56PM 7 A. Oh, okay.

02:56PM 8 Q. Was there something that was going on where then Peter
02:56PM 9 said to you what Mr. Bongiovanni had told him about the
02:56PM 10 picture?

02:56PM 11 A. Yes. Yes.

02:56PM 12 Q. Okay. Now, as close as you can --

02:56PM 13 A. Um-hum.

02:56PM 14 Q. -- to what Mr. Gerace said to you, what did he say about
02:56PM 15 seeing the Playboy Bunny picture outfit in Craig Border's
02:56PM 16 apartment?

02:56PM 17 A. He said there was a picture of me.

02:57PM 18 Q. Anything else?

02:57PM 19 A. And that he -- and that Joe had seen it during the --
02:57PM 20 during this raid or whatever it was.

02:57PM 21 Q. That's what I'm driving at. Is that when you learned
02:57PM 22 that Joe Bongiovanni was a DEA agent?

02:57PM 23 A. That's when I knew, yeah, 100 percent, um-hum.

02:57PM 24 Q. Is that because Peter told you Joe works for the DEA and
02:57PM 25 was in a raid and he saw your picture?

02:57PM 1 A. He didn't necessarily tell me that. I mean, you assume
02:57PM 2 that, you know, if they're involved in a raid and there's a
02:57PM 3 picture, that you're a DEA agent or some sort of agent.

02:57PM 4 Q. Okay. On September 17th, 2020, you were subpoenaed to a
02:57PM 5 federal grand jury?

02:57PM 6 A. Okay.

02:57PM 7 Q. Do you remember that?

02:57PM 8 A. Yep.

02:57PM 9 Q. And -- have I done something to offend you?

02:57PM 10 A. No.

02:57PM 11 Q. Okay. You remember what I'm talking about here, right?

02:57PM 12 A. Yes.

02:57PM 13 Q. Okay. And you were asked questions by an Assistant
02:58PM 14 United States Attorney named Brendan Cullinane; do you
02:58PM 15 remember that?

02:58PM 16 A. I don't remember Brendan, no. I don't know names.

02:58PM 17 Q. It wasn't me, right?

02:58PM 18 A. No.

02:58PM 19 Q. And you were asked a series of questions and answers
02:58PM 20 about this, right?

02:58PM 21 A. Right.

02:58PM 22 Q. And all of that preceded with you speaking to federal
02:58PM 23 agents who came to talk to you, right?

02:58PM 24 A. Right.

02:58PM 25 Q. They had reached out to your mother, right?

02:58PM 1 A. Yes.

02:58PM 2 Q. Then you had agreed to meet with them, and you talked to
02:58PM 3 them in a car, right?

02:58PM 4 A. Yeah.

02:58PM 5 Q. True?

02:58PM 6 A. Yeah.

02:58PM 7 Q. And you were nervous to talk about Peter, correct?

02:58PM 8 A. Was I nervous?

02:58PM 9 Q. Yes or no: Were you nervous?

02:58PM 10 A. Of course I was nervous, you're talking to FBI agents.

02:58PM 11 Q. You were nervous about Peter.

02:58PM 12 A. Not -- no, I wasn't nervous about Peter, I was nervous

02:58PM 13 that, you know --

02:58PM 14 Q. Yes --

02:58PM 15 A. -- there were FBI agents at my door.

02:58PM 16 Q. -- yes or no: Did you express concern about talking
02:58PM 17 about Peter?

02:58PM 18 A. Of course.

02:58PM 19 Q. Okay.

02:58PM 20 A. Yes.

02:58PM 21 Q. Now, fast forwarding to grand jury under oath.

02:58PM 22 A. Um-hum.

02:58PM 23 Q. Were you asked this question, did you give this answer:
02:58PM 24 Can you please describe that -- I'll go back a little
02:59PM 25 further.

02:59PM 1 This is page 18, lines 17 through 25, going on to line 5
02:59PM 2 of page 19.

02:59PM 3 Were you asked these questions under oath, and did you
02:59PM 4 give these answers:

02:59PM 5 "Question: All right. At some point after this meeting
02:59PM 6 in which you meet Joseph Bongiovanni through Peter, did there
02:59PM 7 come an incident in your relationship with Peter that
02:59PM 8 involved Joseph Bongiovanni?

02:59PM 9 "Answer: Yes."

02:59PM 10 Were you asked that question, did you give that answer?

02:59PM 11 A. Yes.

02:59PM 12 Q. Next. "Question: Can you please describe that for the
02:59PM 13 grand jury?

02:59PM 14 "Answer: Prior to dating Peter, I was dating an
02:59PM 15 individual that lived in the building next to me named Craig.
02:59PM 16 He got -- ended up getting raided for marijuana sales. And
02:59PM 17 later on during, like, that week, leading up to after the
02:59PM 18 raid had happened, Peter came up to me and said my friend Joe
02:59PM 19 is a DEA agent, and saw your photo in the house of Craig.
02:59PM 20 Because I had been there, and the picture was of me. So
02:59PM 21 that's how I became aware he was a DEA agent."

03:00PM 22 Were you asked those questions, did you give those
03:00PM 23 answers?

03:00PM 24 A. Obviously I did if it's written down.

03:00PM 25 Q. Did you ask -- did you get asked those questions and did

03:00PM 1 you give those answers?

03:00PM 2 A. Yes.

03:00PM 3 Q. Okay. Now, at -- when you were dancing at

03:00PM 4 Mademoiselle's, was an owner named Don Parrino?

03:00PM 5 A. Yes.

03:00PM 6 Q. Did Don Parrino and the defendant open a club called

03:00PM 7 Pharaoh's?

03:00PM 8 A. Yes.

03:00PM 9 Q. When was that?

03:00PM 10 A. 2005 or '6.

03:00PM 11 Q. Okay. Eventually, in 2006, did you become pregnant?

03:01PM 12 A. Yes.

03:01PM 13 Q. By this defendant?

03:01PM 14 A. Yes.

03:01PM 15 Q. And I guess we've been talking about Peter Gerace, just
03:01PM 16 for the record, can you point him out for us?

03:01PM 17 A. He's right there.

03:01PM 18 Q. Pointing to the person in the middle?

03:01PM 19 **MR. TRIPI:** She's identified the defendant.

03:01PM 20 **THE WITNESS:** Yep.

03:01PM 21 **THE COURT:** Yeah, the record reflects that she
03:01PM 22 identified the defendant.

03:01PM 23 **MR. TRIPI:** Thank you.

03:01PM 24 **THE WITNESS:** Okay.

03:01PM 25

03:01PM

1 BY MR. TRIPI:

2 Q. After you became pregnant, when did you have your son?

3 A. April 10th, 2006.

4 Q. Where were you and the defendant living at that time?

5 A. I was -- I was -- he was living -- we were living in

6 Windsong, and I eventually moved in with my mother and

7 father.

8 Q. Did you live with him for a time on Joseph Drive,

9 97 Joseph Drive --

10 A. Yes.

11 Q. -- in the Town of Tonawanda?

12 Was that at his grandfather and grandmother's house?

13 A. Yes.

14 Q. Was there an apartment situated there?

15 A. Yeah.

16 Q. How was the apartment situated as related to the house?

17 A. It was above the garage.

18 Q. Okay. Now, your son's born April 10th, 2006. Obviously

19 doing math, you're pregnant sometime in 2005, right?

20 A. Um-hum.

21 Q. Prior to that, what was the nature of your cocaine use
22 when you were with the defendant?

23 A. I wasn't using that often. But once I got pregnant I
24 stopped using altogether.

25 Q. And would you use cocaine with the defendant at the

03:03PM 1 Windsong apartment?

03:03PM 2 A. No, I never did.

03:03PM 3 Q. In the year 2005 before being pregnant, did you use
03:03PM 4 cocaine with the defendant?

03:03PM 5 A. I may have, yes.

03:03PM 6 Q. How frequently would you and the defendant use cocaine?

03:03PM 7 A. It was just recreational.

03:03PM 8 Q. So how frequently?

03:03PM 9 A. I don't know. Maybe once every two weeks, maybe less
03:03PM 10 than that.

03:03PM 11 Q. Who provided the cocaine when you would use with him?

03:04PM 12 A. Peter had it.

03:04PM 13 Q. He had it?

03:04PM 14 A. Yeah.

03:04PM 15 Q. Do you know who was giving it to him?

03:04PM 16 A. No.

03:04PM 17 Q. All right. After your son was born on April 10th, 2006,
03:04PM 18 did you and the defendant get married?

03:04PM 19 A. Yes.

03:04PM 20 Q. By that point in time, had you met a person named John
03:04PM 21 Michalski through the defendant?

03:04PM 22 A. Yes.

03:04PM 23 Q. How did you meet John Michalski who became a judge?

03:04PM 24 A. He was a friend of Peter's. We went out to dinner a
03:04PM 25 couple of times.

03:04PM 1 Q. Were you -- when you went out to dinner with
03:04PM 2 Mr. Michalski, was that before he was a judge initially?
03:04PM 3 A. Maybe, I'm really not sure.
03:04PM 4 Q. Okay. Eventually he becomes a New York State Supreme
03:05PM 5 Court judge, though, right?
03:05PM 6 A. Yep.
03:05PM 7 Q. Was he the one that married you and the defendant?
03:05PM 8 A. Yes.
03:05PM 9 Q. Where -- where did he marry you? Where was the ceremony?
03:05PM 10 A. In his office in the courthouse.
03:05PM 11 Q. So in the judge's chambers; do you recall that?
03:05PM 12 A. Yes.
03:05PM 13 Q. Who was present for it?
03:05PM 14 A. My mother.
03:05PM 15 Q. Your son, as well?
03:05PM 16 A. Yes.
03:05PM 17 Q. And Peter? All right. So your mother was the witness?
03:05PM 18 A. Yes.
03:05PM 19 Q. When Pharaoh's opened, were the day-to-day operations of
03:05PM 20 that club ran by Mr. Parrino and the defendant?
03:05PM 21 A. Yes.
03:05PM 22 Q. When it initially opened, and I know I'm bouncing back to
03:05PM 23 2005 maybe a little bit, when it initially opened, did you
03:06PM 24 dance there at all?
03:06PM 25 A. Never.

03:06PM 1 Q. When it initially opened, did you socialize there?

03:06PM 2 A. Yeah, maybe for the opening, grand opening party.

03:06PM 3 Q. So we're talking 2006?

03:06PM 4 A. Yeah.

03:06PM 5 Q. 2005?

03:06PM 6 A. Yeah, 2006, between 2005 and 2006. Yes.

03:06PM 7 Q. Okay. Did you use cocaine inside Pharaoh's with the
03:06PM 8 defendant?

03:06PM 9 A. No, I didn't use it with the defendant in Pharaoh's.

03:06PM 10 Q. Did you use cocaine inside Pharaoh's?

03:06PM 11 A. Yes.

03:06PM 12 Q. Where inside Pharaoh's did you use cocaine?

03:06PM 13 A. In the bathroom, whatever. I used a lot of cocaine.

03:06PM 14 Q. Given your sort of now training, you've distinguished
03:06PM 15 between recreational -- I think you said recreational use.

03:06PM 16 Is there also something that is referred to active addiction?

03:07PM 17 A. Yes.

03:07PM 18 Q. Were you ever in active addiction for cocaine?

03:07PM 19 A. Yes.

03:07PM 20 Q. When was that?

03:07PM 21 A. Probably between 2008 and 2013. Just doing a lot of
03:07PM 22 drinking.

03:07PM 23 Q. Okay.

03:07PM 24 A. Which would usually lead to cocaine use.

03:07PM 25 Q. Soon after -- soon after Pharaoh's opened, did the

03:07PM 1 defendant tell you not to go to the club anymore?

03:07PM 2 A. Yes.

03:07PM 3 Q. What was your understanding of why?

03:07PM 4 A. I -- he just -- he didn't want me there. I don't know
03:07PM 5 exactly why, but he didn't want me there.

03:07PM 6 Q. During that time period, did the defendant engage with
03:07PM 7 other women?

03:07PM 8 A. Yes.

03:07PM 9 Q. Were they women at the club?

03:07PM 10 A. Some were.

03:07PM 11 Q. Would that judge that married you, John -- Judge John
03:08PM 12 Michalski, did he go to Pharaoh's?

03:08PM 13 A. I don't think I ever seen him there. Maybe he did go

03:08PM 14 there for, like, a grand opening party. A lot of people were
03:08PM 15 present.

03:08PM 16 Q. Did you have a Facebook page back then?

03:08PM 17 A. No.

03:08PM 18 Q. Have you -- did you view Facebook back then?

03:08PM 19 A. No.

03:08PM 20 Q. Did you ever see photos of Judge Michalski in Pharaoh's
03:08PM 21 on Facebook?

03:08PM 22 A. No.

03:08PM 23 Q. Okay. Going back to that grand jury proceeding, were you
03:08PM 24 asked these questions and did you give these answers:

03:08PM 25 **THE COURT:** Page and line, please.

03:08PM 1 **MR. TRIPI:** I'm trying to find it, Judge, I'm sorry.

03:08PM 2 It's on page 15 of the grand jury. Okay. I need to

03:09PM 3 go to 14, line 22, to the end of that page, and then to the

03:09PM 4 top of page 15, line 3.

03:09PM 5 **BY MR. TRIPI:**

03:09PM 6 Q. You were asked this question, did you give these answers:

03:09PM 7 "Question: Was Judge Michalski also at Pharaoh's with

03:09PM 8 him sometimes?

03:09PM 9 "Answer: I believe so.

03:09PM 10 "Question: Why do you believe that?

03:09PM 11 "Answer: Because a lot of people went out there, and I

03:09PM 12 would assume he's been there. I think maybe I saw some

03:09PM 13 pictures in there from Facebook maybe."

03:09PM 14 Were you asked those questions and did you give those

03:09PM 15 answers?

03:09PM 16 A. Yes.

03:09PM 17 Q. What year did you and the defendant stop physically

03:10PM 18 living together?

03:10PM 19 A. I don't know. The time was very difficult around that

03:10PM 20 time because I was in active addiction.

03:10PM 21 Q. Okay. I think we left off -- at the point in time you

03:10PM 22 were married in 2006, are you living at 97 Joseph Drive?

03:10PM 23 A. Yeah.

03:10PM 24 Q. Okay. Was your divorce finalized December 16th, 2010?

03:10PM 25 A. Yes.

03:10PM 1 Q. Somewhere between 2006 and 2010?

03:10PM 2 A. Um-hum.

03:10PM 3 Q. Did you stop living with the defendant?

03:10PM 4 A. Yes.

03:10PM 5 Q. Where did you go live?

03:10PM 6 A. My mother.

03:10PM 7 Q. So in 2007, 2008, 2009, 2010, you didn't live with the

03:11PM 8 defendant, correct? You did not?

03:11PM 9 A. Did I live with the defendant? What? I'm sorry.

03:11PM 10 Q. In 2007 through 2010, when your divorce finalized, you

03:11PM 11 did not live with the defendant?

03:11PM 12 A. No.

03:11PM 13 Q. Okay. After your divorce finalized, would there be times

03:11PM 14 when you stayed together though?

03:11PM 15 A. Yes.

03:11PM 16 Q. In the year of 2013, did you move back in with the

03:11PM 17 defendant?

03:11PM 18 A. Briefly, yes.

03:11PM 19 Q. On Joseph Drive?

03:11PM 20 A. Yes.

03:11PM 21 Q. And then you moved back out?

03:11PM 22 A. Yep.

03:11PM 23 Q. And during those years, 2007 through 2013, you're not

03:11PM 24 going to Pharaoh's; fair to say?

03:11PM 25 A. Fair to say, yes.

03:11PM 1 Q. After you move out of Joseph Drive in 2013 all the way to
03:11PM 2 present day, you're not going to Pharaoh's anymore, correct?

03:12PM 3 A. No.

03:12PM 4 Q. Poor question on my part, I'll correct it. Yes, you're
03:12PM 5 not going to Pharaoh's?

03:12PM 6 A. I'm not going to Pharaoh's.

03:12PM 7 Q. Okay. Thank you.

03:12PM 8 **THE COURT:** Mr. Tripi, do you have a sense of how
03:12PM 9 much longer you're going to be?

03:12PM 10 **MR. TRIPI:** Maybe five or ten minutes, Judge.

03:12PM 11 **THE COURT:** Okay.

03:12PM 12 **MR. TRIPI:** If we take a break -- if this is a good
03:12PM 13 time for a break, maybe I could tighten it up and be done in a
03:12PM 14 few minutes.

03:12PM 15 **THE COURT:** Great. Let's do that then.

03:12PM 16 So, folks, let's take our afternoon break. Remember
03:12PM 17 my instructions about not talking about the case including
03:12PM 18 with each other, and not making up your mind.

03:12PM 19 We'll be back in ten or 15 minutes.

03:12PM 20 (Jury excused at 3:12 p.m.)

03:13PM 21 **THE COURT:** Okay. Ms. R.A., don't talk to anybody
03:13PM 22 about your testimony during the break.

03:13PM 23 **THE WITNESS:** Okay.

03:13PM 24 **THE COURT:** Anything from the government?

03:13PM 25 **MR. COOPER:** No, thank you.

03:13PM 1 **THE COURT:** Anything from the defense?

03:13PM 2 **MR. FOTI:** No, thank you.

03:13PM 3 **THE COURT:** We'll see you in about ten or 15 minutes.

03:13PM 4 (Off the record at 3:13 p.m.)

03:34PM 5 (Back on the record at 3:34 p.m.)

03:34PM 6 (Jury not present.)

03:34PM 7 (Discussion of next witness Jeffrey Anzalone from

03:34PM 8 3:34 p.m. to 3:35 p.m.)

03:34PM 9 (Jury seated at 3:35 p.m.)

03:35PM 10 **THE COURT:** Okay. Welcome back for the home stretch,

03:35PM 11 folks. I think I forgot to mention that Ms. Chalbeck is not

03:35PM 12 here again today. She had that same matter that she needed to

03:35PM 13 attend to today. Again, I know about it, it's an important

03:35PM 14 matter, and we hope that she'll be back with us on Monday.

03:35PM 15 The record will reflect that all our jurors are

03:35PM 16 present.

03:35PM 17 I remind the witness that she's still under oath.

03:35PM 18 And, Mr. Tripi, you may continue.

03:35PM 19 **MR. TRIPI:** Thank you, Your Honor.

03:35PM 20 **BY MR. TRIPI:**

03:35PM 21 Q. Ms. R.A., a few more minutes, and then I'm going to turn

03:35PM 22 over the questioning. Okay? I want to circle back to that

03:35PM 23 discussion about the pictures.

03:35PM 24 A. Um-hum.

03:35PM 25 Q. There was one question I neglected to ask you.

03:35PM 1 In that conversation with the defendant, did the
03:35PM 2 defendant also tell you that he had observed the picture that
03:35PM 3 Joe Bongiovanni saw in the house?

03:35PM 4 A. I'm not sure if he said "observed."

03:35PM 5 Q. Okay.

03:36PM 6 A. No.

03:36PM 7 Q. I'm going to try to refresh your recollection then --

03:36PM 8 A. Okay.

03:36PM 9 Q. -- on that, okay?

03:36PM 10 I'm going to show you -- I need the exhibit number

03:36PM 11 actually. 3562A is the number. We'll show you page 21.

03:36PM 12 **MR. TRIPI:** And, Ms. Champoux, if we can do that for
03:36PM 13 the witness only at this time.

03:36PM 14 **BY MR. TRIPI:**

03:36PM 15 Q. Look at lines 2 through 4.

03:36PM 16 A. Okay.

03:36PM 17 Q. Okay?

03:36PM 18 **MR. TRIPI:** You can take that down.

03:36PM 19 **THE WITNESS:** Yep.

03:36PM 20 **BY MR. TRIPI:**

03:36PM 21 Q. So did Peter tell you that he had actually observed the
03:36PM 22 photo?

03:36PM 23 A. Yes.

03:36PM 24 Q. All right. I want to ask you about another person who
03:36PM 25 was friends with the defendant. Do you know Dan Derenda?

03:37PM 1 A. Yes.

03:37PM 2 Q. Did you -- did you meet him through the defendant?

03:37PM 3 A. Yes.

03:37PM 4 Q. What was the defendant's relationship with Mr. Derenda?

03:37PM 5 A. He was a friend, and he was the godfather of his

03:37PM 6 daughter.

03:37PM 7 Q. So, Mr. Derenda has a daughter named Mia?

03:37PM 8 A. Yes.

03:37PM 9 Q. And the defendant is the godfather?

03:37PM 10 A. Yes.

03:37PM 11 Q. When you met Mr. Derenda, was he the Buffalo Police

03:37PM 12 Commissioner at the time?

03:37PM 13 A. Yes.

03:37PM 14 Q. Where were you when you met Mr. Derenda through the

03:37PM 15 defendant?

03:37PM 16 A. I was at his house.

03:37PM 17 Q. Mr. Derenda's house?

03:37PM 18 A. Yes.

03:37PM 19 Q. Now, I don't want to get into specifics of anything

03:37PM 20 underlying, but earlier in your relationship focusing in on

03:37PM 21 that 2006 timeframe, okay --

03:37PM 22 A. Um-hum.

03:37PM 23 Q. -- the defendant was on probation with U.S. Probation; is

03:37PM 24 that right?

03:38PM 25 A. Yes.

03:38PM 1 Q. At some point while he was on probation, did the
03:38PM 2 defendant ask you for clean urine?

03:38PM 3 A. I'm not sure.

03:38PM 4 Q. Okay. Let me build that out a little bit.

03:38PM 5 As you understood it, when the defendant was on
03:38PM 6 probation, he couldn't use drugs, right?

03:38PM 7 A. Yes.

03:38PM 8 Q. He could not use cocaine, for example?

03:38PM 9 A. Yes.

03:38PM 10 Q. As you understood it, he was drug tested?

03:38PM 11 A. Yes.

03:38PM 12 Q. And, obviously, drugs are illegal, right?

03:38PM 13 A. Yes.

03:38PM 14 Q. And so I want to show you Government Exhibit 3562A at
03:38PM 15 page 31.

03:38PM 16 **MR. TRIPI:** Actually, I want to go to the bottom of
03:39PM 17 page -- this is for the witness only, bottom of page 30 first.

03:39PM 18 **BY MR. TRIPI:**

03:39PM 19 Q. And then maybe start reading from line 21, down.

03:39PM 20 A. Okay.

03:39PM 21 Q. Okay? Just read it to yourself. And we'll scroll when
03:39PM 22 you let me know, okay?

03:39PM 23 A. Um-hum. Okay.

03:39PM 24 **MR. TRIPI:** Can you scroll a little bit more,
03:39PM 25 Ms. Champoux?

03:39PM 1 **BY MR. TRIPI:**

03:39PM 2 Q. All right. I'd like you to stop reading around line 19,
03:39PM 3 which I crossed out so you can't read it. But go from lines
03:39PM 4 1 through 19 now on page 31.

03:39PM 5 A. Um-hum.

03:39PM 6 Q. Okay.

03:39PM 7 **MR. TRIPI:** We can take that down, Ms. Champoux.

03:39PM 8 **BY MR. TRIPI:**

03:39PM 9 Q. My question now is: After the defendant had a negative
03:39PM 10 drug test, did he ask you if you could provide him with clean
03:39PM 11 urine?

03:39PM 12 A. Yes.

03:39PM 13 Q. And was it your -- was it your understanding so that he
03:40PM 14 would pass future drug tests?

03:40PM 15 A. It was my understanding that he had to test negative.

03:40PM 16 Q. Okay. Negative is past tense, so he's tested, tested
03:40PM 17 negative. Then he has a conversation with you, correct?

03:40PM 18 A. Yep. Yes.

03:40PM 19 Q. And his conversation with you is to get clean urine
03:40PM 20 moving forward, right?

03:40PM 21 A. Yes.

03:40PM 22 Q. And so that means he wanted clean urine in case he was
03:40PM 23 tested in the future, true?

03:40PM 24 A. Yes.

03:40PM 25 Q. Did you give it to him?

03:40PM 1 A. I'm not sure if I did or not.

03:40PM 2 Q. Okay.

03:40PM 3 A. It was a long time ago.

03:40PM 4 **MR. TRIPI:** Move to strike the extraneous comment,

03:40PM 5 Your Honor.

03:40PM 6 **THE COURT:** Yeah. So just answer his questions,

03:40PM 7 please, ma'am.

03:40PM 8 **THE WITNESS:** Okay.

03:40PM 9 **THE COURT:** And we'll strike that last comment.

03:40PM 10 **MR. TRIPI:** Thank you.

03:40PM 11 **BY MR. TRIPI:**

03:40PM 12 Q. So did the defendant ask you for clean urine because he
03:41PM 13 might get tested by U.S. Probation; yes or no?

03:41PM 14 A. Yes.

03:41PM 15 Q. Based upon your time inside Pharaoh's, and your
03:41PM 16 discussions with the defendant, did you know many of the
03:41PM 17 Pharaoh's dancers to have drug addictions?

03:41PM 18 **MR. SOHNLEIN:** Objection.

03:41PM 19 **THE COURT:** Basis?

03:41PM 20 **MR. SOHNLEIN:** Foundation, and 403, Judge.

03:41PM 21 **THE COURT:** Okay. Lay a foundation please,
03:41PM 22 Mr. Tripi.

03:41PM 23 **BY MR. TRIPI:**

03:41PM 24 Q. Have you been inside Pharaoh's?

03:41PM 25 A. Yes.

03:41PM 1 Q. We talked about earlier you've used drugs inside
03:41PM 2 Pharaoh's, cocaine, right?

03:41PM 3 A. Yes.

03:41PM 4 Q. Have you seen other women walking around inside
03:41PM 5 Pharaoh's?

03:41PM 6 A. Walking around, yes.

03:41PM 7 Q. Yeah. And have you had discussions with the defendant
03:41PM 8 about personnel and people at Pharaoh's?

03:42PM 9 A. Yes.

03:42PM 10 Q. Okay. Based upon your observations and your discussions
03:42PM 11 with the defendant, did you know many dancers at Pharaoh's to
03:42PM 12 have drug addictions; yes or no?

03:42PM 13 A. Most dancers have drug addictions.

03:42PM 14 Q. Okay. But my question is: Did you know many dancers at
03:42PM 15 Pharaoh's to have drug addictions?

03:42PM 16 A. Yes.

03:42PM 17 Q. You knew Don Parrino as well, right?

03:42PM 18 A. Yes.

03:42PM 19 Q. Did you hear a conversation between the defendant and Don
03:42PM 20 Parrino where they discussed a dancer named -- I think dancer
03:42PM 21 name G.R., overdosing?

03:43PM 22 A. Yes, I've heard it. I'm not sure if I heard it from
03:43PM 23 them, but it was a big, you know, talk around the club.

03:43PM 24 Q. Did you speak about G.R.'s overdose with the defendant,
03:43PM 25 if you recall?

03:43PM 1 A. I really don't think I did. I don't remember.

03:43PM 2 Q. Okay. So we talked about essentially from 2007 on to
03:43PM 3 current day your involvement awareness of physically yourself
03:43PM 4 being inside Pharaoh's has been limited; is that fair to say?

03:43PM 5 A. I haven't been in Pharaoh's in years.

03:43PM 6 Q. And I think earlier we established maybe 2007 on?

03:43PM 7 A. Yes.

03:43PM 8 Q. Okay. Would it be accurate to say then that others who
03:44PM 9 were there from 2007 on would know more about what was
03:44PM 10 transpiring inside Pharaoh's than you?

03:44PM 11 A. Yes.

03:44PM 12 Q. For the times that you were with the defendant, though,
03:44PM 13 whether you lived with him or were with him, did this
03:44PM 14 defendant always have access to cocaine?

03:44PM 15 A. I'm not sure if he always had access.

03:44PM 16 Q. From your observations and interactions with him, was
03:44PM 17 there ever a time where he couldn't get you cocaine when you
03:44PM 18 guys wanted to use it?

03:44PM 19 A. I don't know. I don't know.

03:44PM 20 Q. Well, you lived it, so can you tell the jury?

03:44PM 21 Do you ever remember a time when you and Peter wanted to
03:44PM 22 use cocaine and you couldn't --

03:44PM 23 A. If I wanted to use cocaine, I would have --

03:44PM 24 Q. Well my --

03:44PM 25 A. -- and I would --

03:44PM 1 Q. -- question is about --

03:44PM 2 A. -- have got it myself or --

03:44PM 3 **THE COURT:** One at a time, folks. One at a time.

03:44PM 4 **MR. TRIPI:** Thank you, Judge. Sorry.

03:44PM 5 **BY MR. TRIPI:**

03:44PM 6 Q. My question was about the defendant.

03:44PM 7 A. Okay.

03:44PM 8 Q. Was there ever a time you were with the defendant and he
03:44PM 9 couldn't get you cocaine if you wanted it?

03:44PM 10 A. He didn't get me cocaine. I used cocaine with him.

03:44PM 11 Q. That came out of his pocket?

03:44PM 12 A. I don't know where it came from.

03:45PM 13 Q. Well, you didn't conjure it up and make it appear?

03:45PM 14 A. Well, usually a drug dealer would give it to you, but
03:45PM 15 I -- he's not a drug dealer, so I don't know where he got it
03:45PM 16 from.

03:45PM 17 Q. Well, that's interesting, because when he has cocaine and
03:45PM 18 he gives it to you to use, what do you think that is?

03:45PM 19 A. I'm choosing to use it, so I'm an active drug user.

03:45PM 20 Q. When he gives you cocaine --

03:45PM 21 A. I didn't pay for it.

03:45PM 22 Q. Oh, because it's free? Is that what they're teaching you
03:45PM 23 in school?

03:45PM 24 A. Excuse me?

03:45PM 25 **MR. SOEHNLEIN:** Objection. Argumentative.

03:45PM 1 **THE COURT:** Sustained. Sustained. Sustained.

03:45PM 2 Next question, Mr. Tripi.

03:45PM 3 **BY MR. TRIPI:**

03:45PM 4 Q. So that's the line for you. If the defendant gives you
03:45PM 5 cocaine for free, he's not a drug dealer?

03:45PM 6 **MR. SOEHNLEIN:** Objection. Argumentative.

03:45PM 7 **THE COURT:** Sustained.

03:45PM 8 **THE WITNESS:** No, he's not a drug dealer.

03:45PM 9 **THE COURT:** Stop. Stop.

03:45PM 10 Ma'am, when I say sustained, you don't answer.

03:45PM 11 Sustained.

03:45PM 12 Next question, Mr. Tripi.

03:45PM 13 **MR. TRIPI:** Judge, under Rule 611(c), I think I can
03:45PM 14 lead a little bit here.

03:45PM 15 **THE COURT:** You can lead, yeah. And they're not
03:46PM 16 objecting to the leading, so --

03:46PM 17 **MR. TRIPI:** Yeah.

03:46PM 18 **THE COURT:** If you folks think it's appropriate to
03:46PM 19 object, you object.

03:46PM 20 **MR. TRIPI:** I'm also proceeding under Rule 607.

03:46PM 21 **THE COURT:** I understand.

03:46PM 22 **BY MR. TRIPI:**

03:46PM 23 Q. Okay. When you used cocaine with the defendant, he's the
03:46PM 24 one who produced it for you, correct?

03:46PM 25 A. Yes.

03:46PM 1 Q. How many times has the defendant given you cocaine?

03:46PM 2 A. I don't know how many times.

03:46PM 3 Q. Is it countless?

03:46PM 4 A. No.

03:46PM 5 Q. Can you estimate?

03:46PM 6 A. I cannot estimate.

03:46PM 7 Q. Is it more than one?

03:46PM 8 A. Yes.

03:46PM 9 Q. Is it more than ten?

03:46PM 10 A. Maybe.

03:46PM 11 Q. Those other women that the defendant was going with at

03:47PM 12 Pharaoh's, to your knowledge, was he giving them cocaine too?

03:47PM 13 **MR. SOEHNLEIN:** Objection.

03:47PM 14 **THE WITNESS:** I don't know if he was giving them

03:47PM 15 cocaine.

03:47PM 16 **THE COURT:** Hold on. Stop, stop, stop.

03:47PM 17 Stop, stop, stop.

03:47PM 18 Objection, hearsay?

03:47PM 19 **MR. SOEHNLEIN:** Yeah.

03:47PM 20 **THE COURT:** Lay a foundation.

03:47PM 21 **BY MR. TRIPPI:**

03:47PM 22 Q. Did you confront him about going with other women at

03:47PM 23 Pharaoh's?

03:47PM 24 A. Yes.

03:47PM 25 Q. When he would come home after being at Pharaoh's --

03:47PM 1 You've been around people intoxicated by cocaine; is that
03:47PM 2 right?

03:47PM 3 A. Yes.

03:47PM 4 Q. You know the physical manifestations of it even before
03:47PM 5 your schooling, correct?

03:47PM 6 A. Yes.

03:47PM 7 Q. When he would come home from Pharaoh's, did you make
03:47PM 8 observations that led you to conclude he was under the
03:47PM 9 influence of cocaine?

03:47PM 10 A. I -- I didn't. Usually, no, I would be sleeping when he
03:47PM 11 came home.

03:47PM 12 Q. Okay. You testified in the grand jury, right?

03:47PM 13 A. Yes.

03:47PM 14 Q. Okay. We're gonna just -- give me a second here. I'll
03:47PM 15 find it.

03:47PM 16 A. Okay.

03:48PM 17 **MR. TRIPI:** I'm wrapping up, Judge. Give me an
03:48PM 18 indulgence here.

03:48PM 19 **THE COURT:** Sure.

03:48PM 20 **MR. TRIPI:** Thank you.

03:48PM 21 **BY MR. TRIPI:**

03:48PM 22 Q. While I'm doing that, all right, we talked about earlier
03:48PM 23 there was a time you weren't allowed at Pharaoh's anymore
03:49PM 24 right, very early on?

03:49PM 25 A. Yes.

03:49PM 1 Q. In the grand jury, this is Government Exhibit 3562A, I'm
03:49PM 2 on page 12, beginning at line 20. Were you asked this
03:49PM 3 question and did you give this answer:

03:49PM 4 **MR. FOTI:** Hang on, Joe. What page did you say?

03:49PM 5 **MR. TRIPI:** 12, and beginning at line 20. It's going
03:49PM 6 to spill on, I think, to the top of the next page.

03:49PM 7 **THE COURT:** Do you have an objection, Mr. Soehnlein
03:49PM 8 or Mr. Foti?

03:49PM 9 **MR. SOEHNLEIN:** Yes, Judge. We're reading the -- the
03:49PM 10 lines that Mr. Tripi -- can we approach, Judge?

03:49PM 11 **THE COURT:** Yeah, let me see it. Bring it up, and
03:49PM 12 you guys can approach.

03:50PM 13 (Sidebar discussion held on the record.)

03:50PM 14 **MR. TRIPI:** It's at the bottom.

03:50PM 15 **THE COURT:** Yep.

03:50PM 16 **MR. TRIPI:** Just a couple.

03:50PM 17 **MR. FOTI:** I think it's a 602 objection. She says in
03:50PM 18 the grand jury: Most likely, yes.

03:50PM 19 **THE COURT:** No, no, but then she says, and he would
03:50PM 20 come home --

03:50PM 21 So I agreed with you up until there. That he would
03:50PM 22 come home. And based on your experience, he had been using
03:50PM 23 something? Yes.

03:50PM 24 **MR. TRIPI:** That's where I would end.

03:50PM 25 **MR. FOTI:** I don't think within the grand jury

03:50PM 1 there's any foundation for what she's basing that on. Her
03:50PM 2 prior answer says most likely. I think she's speculating in
03:50PM 3 the grand jury, and it would be used to impeach her here in
03:50PM 4 terms of what she observed. I don't think it's a proper
03:50PM 5 impeachment.

03:50PM 6 **MR. TRIPPI:** She said no here, she said yes there.

03:51PM 7 **THE COURT:** Yeah. And I don't think that she --
03:51PM 8 you've got to lay a foundation at the grand jury for that.

03:51PM 9 **MR. FOTI:** No, I agree.

03:51PM 10 **THE COURT:** So, but, and he's laid the foundation
03:51PM 11 here that she knows what people look like when they're on
03:51PM 12 cocaine.

03:51PM 13 **MR. FOTI:** Agreed.

03:51PM 14 **THE COURT:** So, and you would come home, and you
03:51PM 15 would be able to tell, based on your experience, he had been
03:51PM 16 using something? Yes.

03:51PM 17 **MR. SOEHNLEIN:** Right. And I'm sorry to jump in, but
03:51PM 18 the foundation is use of cocaine. And there, it's using
03:51PM 19 something. It could be cocaine, it could be drinking, it
03:51PM 20 could be anything. Using something and using cocaine are
03:51PM 21 different things.

03:51PM 22 **THE COURT:** I guess that's true.

03:51PM 23 Was it your belief that he was at Pharaoh's or
03:51PM 24 somewhere else and using cocaine? Most likely, yes. And/or
03:51PM 25 drinking. Um-hum. He would come home and you'd be able to --

03:51PM 1 **MR. TRIPI:** And that's why there's the follow up.

03:51PM 2 **THE COURT:** Something. Cocaine or alcohol. Not
03:51PM 3 necessarily cocaine.

03:51PM 4 **MR. TRIPI:** But that's a lot different than no.

03:51PM 5 And when you're on an inconsistency like this, it
03:51PM 6 doesn't have to be --

03:51PM 7 **MR. SOEHNLEIN:** It's not a yes.

03:51PM 8 **MR. TRIPI:** -- it doesn't have to be a 180 degree.
03:52PM 9 She said no here pretty conclusively. There's a version of
03:52PM 10 yes there.

03:52PM 11 **THE COURT:** Well, she said she was asleep.

03:52PM 12 **MR. TRIPI:** Yeah. That's right. That's the sum and
03:52PM 13 substance of it, Judge.

03:52PM 14 **THE COURT:** I'm going to allow it.

03:52PM 15 **MR. TRIPI:** And I'm not going any further.

03:52PM 16 (End of sidebar discussion.)

03:52PM 17 **BY MR. TRIPI:**

03:52PM 18 Q. Okay. In the grand jury, September 17th, 2020, when you
03:52PM 19 were under oath, this is at page 12, beginning at line 20,
03:52PM 20 were you asked this question and did you give this answer:

03:52PM 21 "Question: Was it your belief that he was at Pharaoh's
03:52PM 22 or somewhere else and using cocaine?

03:52PM 23 "Answer: Most likely, yes."

03:52PM 24 Were you asked that question, did you give that answer?

03:52PM 25 A. Most likely, either that or drinking, I --

03:52PM 1 **THE COURT:** Just, just --

03:52PM 2 **THE WITNESS:** I don't know.

03:52PM 3 **THE COURT:** The question is --

03:52PM 4 **MR. TRIPI:** Were you --

03:52PM 5 **THE WITNESS:** I'm sorry.

03:52PM 6 **THE COURT:** Ma'am -- ma'am, listen.

03:52PM 7 The question is: Were you asked that question and

03:52PM 8 did you give that answer --

03:52PM 9 **THE WITNESS:** Yes.

03:52PM 10 **THE COURT:** -- at the grand jury?

03:52PM 11 Next question.

03:52PM 12 **BY MR. TRIPI:**

03:52PM 13 Q. And the next question was: And/or drinking?

03:52PM 14 And you answered: Um-hum?

03:53PM 15 A. Yes.

03:53PM 16 Q. Were you asked that question and did you give that

03:53PM 17 answer?

03:53PM 18 A. Um-hum. Yes.

03:53PM 19 Q. And then were you asked this question, and did you give

03:53PM 20 this answer:

03:53PM 21 "Question: And he would come home, and you would be able

03:53PM 22 to tell, based on your experience, he had been using

03:53PM 23 something?"

03:53PM 24 "Answer: Yes."

03:53PM 25 Were you asked that question, and did you give that

03:53PM 1 answer?

03:53PM 2 A. Yes.

03:53PM 3 Q. And lastly, did the defendant tell you where he got the
03:53PM 4 money to start Pharaoh's?

03:53PM 5 **MR. SOEHNLEIN:** Objection. Relevance.

03:53PM 6 **THE COURT:** Did he tell you? The question is: Did
03:53PM 7 he tell you?

03:53PM 8 **THE WITNESS:** Did he tell me? He didn't tell me
03:53PM 9 directly. No.

03:53PM 10 **THE COURT:** Okay. Anything else, Mr. Tripi?

03:53PM 11 **MR. TRIPI:** I have no further direct. Thank you.

03:53PM 12 **THE COURT:** Great. Cross.

03:53PM 13

03:53PM 14 **CROSS-EXAMINATION BY MR. SOEHNLEIN:**

03:53PM 15 Q. Good afternoon, Ms. R.A. How are you?

03:53PM 16 A. Good afternoon.

03:53PM 17 Q. So I want to start. There were some -- on direct, you
03:53PM 18 had some testimony about conversations that you had had with
03:53PM 19 Mr. Gerace about what was going on at the club; do you recall
03:53PM 20 that testimony?

03:53PM 21 A. Yes.

03:54PM 22 Q. And -- and I think some of the testimony had to do with
03:54PM 23 drug use of the dancers; do you recall that?

03:54PM 24 A. Yes.

03:54PM 25 Q. Okay. And you communicated with Mr. Gerace from the time

03:54PM 1 that you met him in 2005 until, I mean, really, until
03:54PM 2 recently, correct?

03:54PM 3 A. Yes.

03:54PM 4 Q. You guys share a child in common, correct?

03:54PM 5 A. Yes.

03:54PM 6 Q. And you've had discussions with him about -- about the
03:54PM 7 club, right?

03:54PM 8 A. Yes.

03:54PM 9 Q. And it's your belief that he wants to keep drugs out of
03:54PM 10 the club, right?

03:54PM 11 **MR. TRIPI:** Objection, hearsay. It's based upon
03:54PM 12 their discussions.

03:54PM 13 **THE COURT:** Sustained.

03:54PM 14 **BY MR. SOEHNLEIN:**

03:54PM 15 Q. You've had discussions with him about drug use at the
03:54PM 16 club, correct?

03:54PM 17 A. Yes.

03:54PM 18 Q. And you've had discussions with him about measures that
03:54PM 19 the club has taken to try to keep drugs out of the club,
03:54PM 20 correct?

03:54PM 21 A. Yes.

03:54PM 22 Q. And what have been the sum and substance --

03:54PM 23 **MR. TRIPI:** Objection. Calls for hearsay.

03:54PM 24 **THE COURT:** Sum and substance of those conversations?

03:54PM 25 **MR. SOEHNLEIN:** Yeah.

03:54PM 1 **THE COURT:** Sustained.

03:54PM 2 **BY MR. SOEHNLEIN:**

03:55PM 3 Q. Have you formed an opinion, based on your time knowing
03:55PM 4 the defendant and speaking with Mr. Gerace, as to whether or
03:55PM 5 not he wants drugs in Pharaoh's?

03:55PM 6 **MR. TRIPI:** Objection.

03:55PM 7 **THE COURT:** Sustained.

03:55PM 8 **MR. FOTI:** Eric.

03:55PM 9 **BY MR. SOEHNLEIN:**

03:55PM 10 Q. Ms. R.A., you -- you lived with the defendant for a
03:55PM 11 number of years, correct?

03:55PM 12 A. Yes.

03:55PM 13 Q. And I think there's some testimony that you and he would
03:55PM 14 occasionally use cocaine together recreationally, correct?

03:55PM 15 A. Yes.

03:55PM 16 Q. And your -- your cocaine use eventually grew over time,
03:55PM 17 correct?

03:56PM 18 A. Yes.

03:56PM 19 Q. And eventually you got to a point in your life where you
03:56PM 20 achieved sobriety --

03:56PM 21 A. Yes.

03:56PM 22 Q. -- correct? And how long have you been sober now?

03:56PM 23 A. I've been in recovery since January of 2017, so almost
03:56PM 24 eight years.

03:56PM 25 Q. Okay. Now at the point earlier in time when you were

03:56PM 1 using, you didn't recognize the signs of the beginning of
03:56PM 2 addiction at that time, correct?

03:56PM 3 A. I didn't recognize the signs?

03:56PM 4 Q. Yeah.

03:56PM 5 A. Well, no.

03:56PM 6 Q. Yeah.

03:56PM 7 A. Not with -- like, with myself, no.

03:56PM 8 Q. Yeah. And -- and with regard to Mr. Gerace, would it be

03:56PM 9 your testimony that, to your knowledge, your cocaine use and
03:56PM 10 his cocaine use around that time was relatively similar?

03:56PM 11 A. I think my drug use was -- it was out of control.

03:56PM 12 Q. Okay. And do you think that he exhibited signs of

03:56PM 13 addiction at the point in time where you guys were together
03:57PM 14 from that 2005 to 2017 period?

03:57PM 15 A. No.

03:57PM 16 Q. Okay. Now, I think there was some testimony about your
03:57PM 17 meetings with the government; do you recall that testimony?

03:57PM 18 A. Yes.

03:57PM 19 Q. Okay. And I think that you -- you testified that they
03:57PM 20 met you, and they met you in a car at some point in time?

03:57PM 21 A. Yes.

03:57PM 22 Q. Where was that?

03:57PM 23 A. I recall they showed up to my work. They -- it was --
03:57PM 24 they showed up to my old apartment.

03:57PM 25 Q. They showed up to multiple places?

03:57PM 1 A. Multiple places, yes.

03:57PM 2 Q. Okay. And eventually you met with them, correct?

03:57PM 3 A. Yes.

03:57PM 4 Q. And eventually in the grand jury, correct?

03:57PM 5 A. Yes.

03:57PM 6 Q. And then you had follow-up meetings with them over time,

03:57PM 7 correct?

03:57PM 8 A. Yes.

03:57PM 9 Q. And you testified in collateral -- in collateral

03:57PM 10 proceedings as well, correct?

03:57PM 11 A. Yes.

03:57PM 12 Q. And it was in those meetings they would ask you questions

03:58PM 13 about Mr. Gerace, correct?

03:58PM 14 A. Yes.

03:58PM 15 Q. They had asked you questions about Pharaoh's, correct?

03:58PM 16 A. Yes.

03:58PM 17 Q. And they would want to know what you knew about what

03:58PM 18 happened at the club, correct?

03:58PM 19 A. Yes.

03:58PM 20 Q. And what you knew about other individuals in Mr. Gerace's

03:58PM 21 life, correct?

03:58PM 22 A. Yes.

03:58PM 23 Q. And you shared all information with them that you believe

03:58PM 24 was relevant, correct?

03:58PM 25 A. Yes.

03:58PM 1 Q. And sometimes they followed up on that information,
03:58PM 2 correct?

03:58PM 3 A. Yes.

03:58PM 4 **MR. TRIPI:** Objection as to what -- withdrawn.

03:58PM 5 Object. I misspoke. Objection as to what the government did.
03:58PM 6 Rule 602, and move to strike.

03:58PM 7 **THE COURT:** Stop.

03:58PM 8 **MR. SOEHNLEIN:** I'll withdraw.

03:58PM 9 **THE COURT:** Okay. Fine. The question is withdrawn.

03:58PM 10 **MR. SOEHNLEIN:** I'll withdraw.

03:58PM 11 **BY MR. SOEHNLEIN:**

03:58PM 12 Q. Sometimes you'd give responses, and then they'd ask you
03:58PM 13 for more information, correct?

03:58PM 14 A. Yes.

03:58PM 15 Q. And this is information that they're seeking from you,
03:58PM 16 correct?

03:58PM 17 A. Yes.

03:58PM 18 Q. But sometimes, you'd share information and they wouldn't
03:58PM 19 follow up on it; is that correct?

03:58PM 20 **MR. TRIPI:** Objection. We can come up if you want,
03:58PM 21 Judge.

03:58PM 22 **THE COURT:** How would she know that, Mr. Soehnlein?
03:58PM 23 Whether they followed up on information that she provided
03:58PM 24 them?

03:59PM 25 The objection -- the objection is sustained without

03:59PM 1 more of a foundation.

03:59PM 2 **BY MR. SOEHNLEIN:**

03:59PM 3 Q. Okay. There came a time where you communicated with the
03:59PM 4 government about Katrina Nigro, correct?

03:59PM 5 A. Yes.

03:59PM 6 Q. You -- in June of this year, you sent the government an
03:59PM 7 email about Ms. Nigro, correct?

03:59PM 8 A. I did.

03:59PM 9 Q. And what was -- what was the sum and substance of the
03:59PM 10 email?

03:59PM 11 **MR. TRIPI:** Objection, hearsay.

03:59PM 12 **THE COURT:** Sustained.

03:59PM 13 **BY MR. SOEHNLEIN:**

03:59PM 14 Q. You -- you sent them an email calling her a compulsive
03:59PM 15 liar, correct?

03:59PM 16 **MR. TRIPI:** Objection.

03:59PM 17 **THE COURT:** Sustained. Sustained. Sustained.

03:59PM 18 Mr. Soehnlein, it's hearsay.

03:59PM 19 **MR. SOEHNLEIN:** It's what she wrote, Judge.

03:59PM 20 **MR. COOPER:** It's hearsay.

03:59PM 21 **MR. TRIPI:** Objection, hearsay.

03:59PM 22 **THE COURT:** It's still hearsay.

03:59PM 23 **BY MR. SOEHNLEIN:**

03:59PM 24 Q. How long have you known Ms. Nigro?

03:59PM 25 A. A long time.

03:59PM 1 Q. When -- do you recall a year that you first met her?

03:59PM 2 A. Early 2000s.

03:59PM 3 Q. It was before you met Mr. Gerace, correct?

03:59PM 4 A. Yes.

03:59PM 5 Q. And how did you meet her?

03:59PM 6 A. In the club -- clubs.

03:59PM 7 Q. You were talking about strip clubs?

03:59PM 8 A. Yeah.

03:59PM 9 Q. Gentlemen's clubs?

03:59PM 10 A. Yes.

03:59PM 11 Q. And she was a dancer?

03:59PM 12 A. Yes.

03:59PM 13 Q. You were a dancer?

03:59PM 14 A. Yes.

03:59PM 15 Q. And you were working in the -- the same locations at that
04:00PM 16 time?

04:00PM 17 A. Yes.

04:00PM 18 Q. Okay. And you continued to have some relationship with
04:00PM 19 her after she became involved with Mr. Gerace, correct?

04:00PM 20 A. Yes, somewhat. I had to.

04:00PM 21 Q. Yeah. Because you and Mr. Gerace share a child together,
04:00PM 22 right?

04:00PM 23 A. Yes.

04:00PM 24 Q. And so to a certain extent, you had to co-parent with
04:00PM 25 Ms. Nigro, correct?

04:00PM 1 A. Yes.

04:00PM 2 Q. And in the -- in that circle of individuals, that -- that
04:00PM 3 group of people that are in that strip club industry, in your
04:00PM 4 view, did Ms. Nigro have a reputation?

04:00PM 5 A. Yes.

04:00PM 6 Q. And what was that reputation?

04:00PM 7 A. She was a liar. And she was manipulative.

04:00PM 8 Q. And what's the basis for that?

04:00PM 9 **MR. TRIPI:** Objection.

04:00PM 10 **THE COURT:** I'm sorry?

04:00PM 11 **MR. TRIPI:** Objection, the basis would be hearsay.

04:00PM 12 **THE COURT:** No. No. Overruled.

04:00PM 13 **BY MR. SOEHNLEIN:**

04:00PM 14 Q. What's your basis for saying that Ms. Nigro is
04:00PM 15 manipulative?

04:00PM 16 **THE COURT:** No, no, no.

04:00PM 17 **MR. TRIPI:** Objection, that's personal.

04:00PM 18 **THE COURT:** Sustained. That's not what she said.

04:01PM 19 She said she had a reputation for it.

04:01PM 20 **MR. SOEHNLEIN:** Okay.

04:01PM 21 **THE COURT:** So what's the basis for her believing
04:01PM 22 that that was her reputation; can be the question.

04:01PM 23 **BY MR. SOEHNLEIN:**

04:01PM 24 Q. Okay. What's the basis for your belief that that was her
04:01PM 25 reputation?

04:01PM 1 A. She would lie to a lot of --

04:01PM 2 **THE COURT:** No, no, no, ma'am.

04:01PM 3 What's -- what's -- what's your basis for believing
04:01PM 4 that was her reputation?

04:01PM 5 Not specific instances. What was the basis for your
04:01PM 6 belief that it was her reputation?

04:01PM 7 You can answer that just generally.

04:01PM 8 **THE WITNESS:** Okay. Other dancers, and other
04:01PM 9 customers would say things.

04:01PM 10 **THE COURT:** Okay. Great. Next question.

04:01PM 11 **MR. SOEHNLEIN:** Yeah.

04:01PM 12 **BY MR. SOEHNLEIN:**

04:01PM 13 Q. And you had that communication with the government in
04:01PM 14 June of this past year, correct?

04:01PM 15 A. Yes.

04:01PM 16 **MR. TRIPI:** Objection, move to strike.

04:01PM 17 **THE COURT:** Yeah.

04:01PM 18 **MR. TRIPI:** Circle back.

04:01PM 19 **THE COURT:** Stricken. Yes.

04:01PM 20 Mr. Soehnlein, you can't ask her about things that
04:01PM 21 she said to the government. That is hearsay.

04:01PM 22 Come up. Come up, guys.

04:01PM 23 **MR. SOEHNLEIN:** I'm sorry.

04:02PM 24 (Sidebar discussion held on the record.)

04:02PM 25 **MR. SOEHNLEIN:** Judge, I'm not following how things

04:02PM 1 that she said to the government is hearsay, it's what she
04:02PM 2 said.

04:02PM 3 **MR. COOPER:** Out-of-court statements.

04:02PM 4 **THE COURT:** It's an out-of-court statement.

04:02PM 5 **MR. SOEHNLEIN:** That she said.

04:02PM 6 **MR. COOPER:** That's the definition of hearsay.

04:02PM 7 Out-of-court statements offered to prove the truth of the
04:02PM 8 matter asserted. It's not something that she said in the
04:02PM 9 courtroom, so it's hearsay.

04:02PM 10 **MR. SOEHNLEIN:** I'm -- I'm -- I'm not talking about
04:02PM 11 the substance of the -- I'm talking about the fact that she
04:02PM 12 communicated with the government, and they never asked her
04:02PM 13 any -- any followup about it. That's what I'm asking.

04:02PM 14 She made the statement. It's not hearsay.

04:02PM 15 **MR. TRIPPI:** It is, Eric.

04:02PM 16 **THE COURT:** Why -- why is it not hearsay? It's out
04:02PM 17 of court.

04:02PM 18 **MR. FOTI:** I would argue it's not hearsay because the
04:02PM 19 purpose of hearsay is to prevent an out-of-court statement and
04:02PM 20 to avoid the inability to confront the statement that's being
04:02PM 21 made because you don't have a declarant in the courtroom.

04:02PM 22 We have the declarant on the stand.

04:02PM 23 **THE COURT:** No, no, no, but whether the declarant is
04:02PM 24 on the stand or not, it's still hearsay.

04:02PM 25 If I said -- if I told somebody the light was red. I

04:03PM 1 can now testify the light was red.

04:03PM 2 But I can't testify I told somebody the light was
04:03PM 3 red. That's hearsay.

04:03PM 4 **MR. SOEHNLEIN:** And I'm sorry. And I'm sorry, and
04:03PM 5 that's not -- that's not the reason it's being offered, Judge.

04:03PM 6 **THE COURT:** Okay.

04:03PM 7 **MR. SOEHNLEIN:** The reason it's being offered for,
04:03PM 8 okay, is that there's -- is that there's points in time where
04:03PM 9 she gives an information, and then there's follow-up inquiries
04:03PM 10 to her because they're trying to cultivate their case.

04:03PM 11 She gives them information that doesn't help the
04:03PM 12 government's case, and there's no follow-up. There's no
04:03PM 13 investigation as far as she knows.

04:03PM 14 **THE COURT:** But why is that relevant?

04:03PM 15 **MR. TRIPPI:** Yeah, you're not allowed to put the
04:03PM 16 government on trial. That's -- you gave a specific
04:03PM 17 instruction about that.

04:03PM 18 **MR. SOEHNLEIN:** But, Your Honor, I think it's
04:03PM 19 absolutely relevant, because part of the direct had to do with
04:03PM 20 her preparation with the government. And what -- including
04:03PM 21 to -- including with this meeting in the car that, you know,
04:03PM 22 is elicited for reasons that I don't understand, and the
04:03PM 23 meeting before the grand jury, and things like that.

04:04PM 24 So if they're going to open the door to what
04:04PM 25 investigative steps the government took with respect to Ms.

04:04PM 1 R.A., I think it's fair game.

04:04PM 2 **MR. TRIPI:** It was relevant because she's a hostile
04:04PM 3 witness based on her demeanor, body language, and fear.

04:04PM 4 **THE COURT:** Okay.

04:04PM 5 **MR. TRIPI:** That's why that was relevant. And the
04:04PM 6 rest of it doesn't change the hearsay of it. So --

04:04PM 7 **THE COURT:** Well, but why haven't you opened the
04:04PM 8 door --

04:04PM 9 **MR. TRIPI:** To what?

04:04PM 10 **THE COURT:** I'm sorry?

04:04PM 11 **MR. TRIPI:** To what? I --

04:04PM 12 **THE COURT:** Why haven't you opened the door to what
04:04PM 13 followup the government did or didn't do?

04:04PM 14 **MR. TRIPI:** Okay. So, she sent -- he wants to get in
04:04PM 15 an email from June after we've tried Bongiovanni once.

04:04PM 16 Like, we have an indictment, like, what -- if that
04:04PM 17 comes in, then there is no hearsay line, Judge. It's not like
04:04PM 18 we were investigating the case at that point.

04:04PM 19 **THE COURT:** So, Mr. Soehnlein, she tells -- sends the
04:04PM 20 government something that says that R.A. is a liar; is that
04:04PM 21 the --

04:04PM 22 **MR. TRIPI:** Katrina Nigro.

04:04PM 23 **THE COURT:** -- or Katrina Nigro is a liar; is that --

04:04PM 24 **MR. TRIPI:** Sum and substance.

04:04PM 25 **MR. SOEHNLEIN:** Compulsive liar. It's like a -- and

04:05PM 1 I'm not seeking to admit the email. I'm not gonna seek to do
04:05PM 2 that.

04:05PM 3 **THE COURT:** But the fact that she told the
04:05PM 4 government -- why -- she's already testified that the woman's
04:05PM 5 reputation is that she's a liar.

04:05PM 6 I think she can testify to her opinion as well,
04:05PM 7 right?

04:05PM 8 **MR. TRIPPI:** She can testify as to opinion. But now
04:05PM 9 this area now, let's be clear, I'm letting it go because now I
04:05PM 10 get to cross her. And they've adopted her as their witness
04:05PM 11 for these purposes. I've let it go on purpose because now I
04:05PM 12 get to cross her.

04:05PM 13 **THE COURT:** Okay. So, in any event, why is the fact
04:05PM 14 that she told the government that she's a liar, why is that
04:05PM 15 relevant?

04:05PM 16 **MR. SOEHNLEIN:** Because it shows -- well, first of
04:05PM 17 all, I still think that they opened the door to --

04:05PM 18 **THE COURT:** Shows what? It shows that the government
04:05PM 19 chose not to follow up on something that the government chose
04:05PM 20 not to follow up on. How it that relevant to Mr. Gerace's
04:05PM 21 case?

04:05PM 22 **MR. FOTI:** Can I just -- if the government's going to
04:06PM 23 cross on this, I think then it's going to be relevant at that
04:06PM 24 time. So, if they're indicating they're gonna do it, we can
04:06PM 25 get into it now, or if you want to wait, we can wait. But --

04:06PM 1 **MR. TRIPI:** Well, hearsay doesn't come in just
04:06PM 2 because I get to cross.

04:06PM 3 **MR. FOTI:** If he's crossing on Nigro, in terms of her
04:06PM 4 understanding of Nigro's credibility and things along those
04:06PM 5 lines, of course any communication and specific bad acts are
04:06PM 6 going to become --

04:06PM 7 **MR. TRIPI:** That's not accurate at all.

04:06PM 8 **MR. FOTI:** They already opened the door.

04:06PM 9 **THE COURT:** We're going to break for the day.

04:06PM 10 **MR. TRIPI:** That's fine. My last bit on this, Judge,
04:06PM 11 is you dealt with this exact situation in the last trial.
04:06PM 12 This opens the door to her impeachment, not Ms. Nigro's. They
04:06PM 13 had Ms. Nigro on the stand, they could cross Ms. Nigro until
04:06PM 14 the cows come home.

04:06PM 15 **MR. COOPER:** And you ruled on this in Bongiovanni 2
04:06PM 16 when it came up, and you ruled on it and you said, A, we got
04:06PM 17 to cross-examine and, B, that specific acts don't come in.

04:06PM 18 We briefed it, and you ruled on it. It's the same
04:06PM 19 exact same occurrence here.

04:06PM 20 **MR. TRIPI:** Fair enough.

04:06PM 21 (Sidebar discussion held on the record.)

04:07PM 22 **THE COURT:** Okay. I don't know if this is good news
04:07PM 23 or bad news, but we're done for the week. We have a legal
04:07PM 24 issue that has come up now that we're going to have to resolve
04:07PM 25 before this can continue.

04:07PM 1 So, and the legal issue is not going to take a long,
04:07PM 2 long time, but it's just -- I'm not going to waste your time
04:07PM 3 keeping you here while we're arguing this here when it may
04:07PM 4 take an hour to argue it, and then I've got to send you home
04:07PM 5 and you haven't done anything. So I might as well send you
04:07PM 6 home now.

04:07PM 7 So remember over the weekend, you're going to be with
04:07PM 8 family, don't talk about this case, don't communicate about it
04:07PM 9 with anyone, electronically or otherwise. Don't use any
04:07PM 10 electronic means to learn anything about it case. Don't try
04:07PM 11 to learn anything about the case in any way whatsoever.

04:07PM 12 If there's any news coverage of the case, on TV, on
04:07PM 13 the radio, in the newspaper, anywhere else, don't read or
04:07PM 14 watch or listen to it. And don't make up your mind about
04:07PM 15 anything until you start deliberating.

04:07PM 16 We'll see you Monday at 9:30. Next week is 9:30
04:07PM 17 until 5 every day except Friday, when we have a relatively
04:08PM 18 early quit because of me. Okay?

04:08PM 19 Thank you very much. Have a great weekend. Go,
04:08PM 20 Bills --

04:08PM 21 **THE WITNESS:** Go Bills.

04:08PM 22 **THE JURORS:** Go Bills.

04:08PM 23 **THE COURT:** -- and we'll see you early Monday
04:08PM 24 morning.

04:08PM 25 **THE WITNESS:** Go Bills.

04:08PM 1 (Jury excused at 4:08 p.m.)

04:08PM 2 **THE COURT:** Okay. Ms. R.A. please don't talk to
04:08PM 3 anybody about your testimony over the weekend. We'll see you
04:08PM 4 on Monday morning at 9:30. You can step down now.

04:08PM 5 (Witness excused at 4:08 p.m.)

04:08PM 6 (Excerpt concluded at 4:08 p.m.)

04:08PM 7 * * * * *

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14 **CERTIFICATE OF REPORTER**

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16 In accordance with 28, U.S.C., 753(b), I
17 certify that these original notes are a true and correct
18 record of proceedings in the United States District Court for
19 the Western District of New York on December 6, 2024.

20

21

22 s/ Ann M. Sawyer

23 Ann M. Sawyer, FCRR, RPR, CRR
Official Court Reporter
U.S.D.C., W.D.N.Y.

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